



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of : Zeevi et al.

Serial No. : 09/720,075

Group Art Unit: 2174

Filed : March 22, 2002

Examiner: Peng Ke

For : DYNAMIC USER INTERFACE

Honorable Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

(37 CFR 41.37)

Dear Sir:

In Response to the Notification of Non-Compliant Appeal Brief of April 23, 2007,
the following amendments are made: (See Appendix Section)

Respectfully submitted,
WELSH & KATZ, LTD

Gerald T. Shekleton
Reg. No. 27,466

AMENDED APPEAL BRIEF

(1) Real Party in Interest

The subject application is owned by YCD Multimedia Ltd., having a place of business at Shefayim Commercial center, Kibbutz Shefayim, Israel. The assignment was recorded in the U.S.P.T.O. on November 3, 2002, under Reel 012743, Frame 0751.

(2) Related Appeals and Interferences

None.

(3) Status of Claims

Claims 1-40 (Cancelled)

Claims 41-83 (Rejected)

On October 16, 2006, Appellant appealed from the rejection of claims 41-83 (all the claims currently under examination in this application).

(4) Status of Amendments

No amendments have been made since the final rejection.

(5) Summary of Claimed Subject Matter

Appellant's invention, as recited in independent claims 41, 68, 76 and 83, provides a method, apparatus and computer software product for creating a graphic user interface (GUI) for a computer application.

Claim 41 comprises the following steps:

(a) defining user interface objects and user interface elements corresponding to the user interface objects in a GUI layer that is separate from the computer application. This step is described, for example, on page 10, lines 21-23, of the present patent application: "At a correspondence definition step 40, a correspondence is defined between specified user interface functions and graphic elements." Exemplary definitions

of a GUI design for a media player application are shown in Figs. 3 and 4 of the present patent application. Fig. 3 shows the design of an application window, which serves as a GUI skin for the media player. The dynamic skin comprises several user interface elements (e.g., pushbuttons 64 and 68, multi-position knob 66, text area 70 and graphical area 72). Fig. 4 shows an exemplary dynamic skin image, which is created by a user to control the media player of Fig. 3. The GUI layer shown in Fig. 4 is defined separately from the computer application. For example, as described beginning on page 13, line 25 of the present patent application: "Preferably, image 80 is created on processor 22 using a standard 'paint' program, as is known in the art. Alternatively, the image may be scanned into system 20, for example, using image capture device 26. Thus, it is even possible for the user to create image 80 by coloring by hand on paper."

(b) arbitrarily defining a mapping between the user interface objects and respective locations in a user interface screen, wherein the mapping defines the locations independently of the computer application. This process is described, for example, beginning on page 11, line 32, of the present patent application: "At a medium input step 42, one or more graphic media are input to processor 22. One of these media is to serve as a dynamic skin for the GUI of the application, as described in detail hereinbelow...The bitmap of the dynamic skin is then used by the computer to create a graphic map, at a map creation step 46. The graphic elements, such as those defined in Table I above, and the relations between them are identified in the map at an identification step 48." As can be seen in Figs. 3 and 4, the user has the freedom to define any desired location on the computer screen (as well as any desired shape, size, color and style) for any object of the skin.

(c) generating the user interface screen comprising the user interface elements in the respective locations determined by the mapping. This step is described, for example, on page 12, lines 11-19, of the present patent application: "The graphic elements, such as those defined in Table I above, and the relations between them are identified in the map at an identification step 48. They are used to position and initialize the corresponding dynamic user interface elements, based on the defined correspondence function, at an initialization step 50. The GUI is then available for user interaction when

the application is run, at a run step 52." Fig. 6 of the present patent application shows an exemplary computer screen with a GUI produced using the dynamic skin.

(d) linking the user interface objects in the GUI layer to methods in the computer application, so that interaction of a user with the user interface elements in the user interface screen invokes the methods linked to the objects. This step is described, for example, with regard to the embodiment of Figs. 3 and 4, beginning on page 14, line 19, of the present patent application: "The user interface function associated with each of areas 84 and 88 in the dynamic skin map is such that when a user of the application clicks on any of the areas with pointing device 28, the depressed image of the corresponding push button is substituted for its rest image. At the same time, the appropriate application function, such as 'play' or 'stop,' is invoked." Another example is described on page 16, lines 20-24, of the present patent application, with regard to the embodiment of Fig. 6: "A slider element 142 has also been added to the device. By clicking on element 142 and dragging it along the length of device 62, the user is able to adjust a variable parameter of the application that is associated with the slider."

Claim 68 recites a computer software product operating on principles similar to the method of claim 41. Such computer software products are described, for example, on page 10, lines 5-17, of the present patent application: "System 20 comprises a processor 22, typically an industry-standard personal computer, ... Processor 22 preferably runs a standard operating system.... Software for use in designing and running the flexible GUI, as described in detail hereinbelow, may be supplied to processor 22 over a network or on tangible media, such as CD-ROM.

Claim 76 recites an apparatus that operates on principles similar to the method of claim 41. The claimed apparatus comprises a GUI processor and a display. An exemplary apparatus is shown in Fig. 1 of the present patent application, and is described on page 10, lines 5-9: "System 20 comprises a processor 22, typically an industry-standard personal computer, with peripheral devices including a display 24, a pointing device 28, a keyboard 30 and disk memory 32."

Claim 83 recites a method for creating a GUI for a computer application, in which the mapping is defined between user interface objects and respective locations in a user

interface screen by associating the user interface objects with features in an image provided by the GUI designer. The positions of the features in the image determine the locations of the user interface objects on the user interface screen. The user interface objects are linked to methods in the computer application, so that user interaction with the user interface elements invokes the corresponding methods. The locations of a user interface element can be changed by changing the position of the corresponding features in the image.

Claim 83 recites the following steps:

(a) defining user interface objects and user interface elements corresponding to the user interface objects in a GUI layer. This step is described, for example, on page 10, lines 21-23, of the present patent application: "At a correspondence definition step 40, a correspondence is defined between specified user interface functions and graphic elements." Exemplary definitions of a GUI design for a media player application are shown in Figs. 3 and 4 of the present patent application, as cited above.

(b) defining a mapping between the user interface objects and respective locations in a user interface screen by associating the user interface objects with corresponding features in an image provided by a designer of the GUI, wherein the mapping defines the locations of the user interface objects based on respective positions of the corresponding features in the image. An exemplary skin image provided by a designer is shown in Fig. 4 of the present patent application. As explained on page 13, lines 22-34, "Image 80 contains a device region 82, corresponding to device 62, and has areas 84, 86, 88, 90, 92 of different colors, which correspond to the user controls and text and graphic areas of device 62...each of the colors of the different areas corresponds to a particular user interface element."

(c) generating the user interface screen comprising the user interface elements in the respective locations determined by the mapping. This step is described, for example, on page 12, lines 11-19, of the present patent application: "The graphic elements, such as those defined in Table I above, and the relations between them are identified in the map at an identification step 48. They are used to position and initialize the corresponding dynamic user interface elements, based on the defined correspondence

function, at an initialization step 50. The GUI is then available for user interaction when the application is run, at a run step 52." Fig. 6 of the present patent application shows an exemplary computer screen with a GUI produced using the dynamic skin.

(d) linking the user interface objects in the GUI layer to methods in the computer application, so that interaction of a user with the user interface elements in the user interface screen invokes the methods linked to the objects. This step is described, for example, with regard to the embodiment of Figs. 3 and 4, beginning on page 14, line 19, of the present patent application: "The user interface function associated with each of areas 84 and 88 in the dynamic skin map is such that when a user of the application clicks on any of the areas with pointing device 28, the depressed image of the corresponding push button is substituted for its rest image. At the same time, the appropriate application function, such as "play" or "stop," is invoked." Another example is described on page 16, lines 20-24, of the present patent application, with regard to the embodiment of Fig. 6: "A slider element 142 has also been added to the device. By clicking on element 142 and dragging it along the length of device 62, the user is able to adjust a variable parameter of the application that is associated with the slider."

(e) changing the location of the user interface element in the user interface screen by changing the position of the one of the features in the image. This feature is described, for example, on page 3, line 33, of the present patent application: "The designer determines the positions, sizes and shapes of the elements of the GUI by means of the layout of the corresponding graphic elements on the screen. These elements are automatically mapped to the corresponding user interface functions. The mapping is maintained regardless of the operating system platform on which the application runs, and is unaffected by changes in the positions, sizes and shapes of the graphic elements." Furthermore, claims 5 and 6 of the application, as filed, recite: "...providing the image comprises changing a graphic quality of one of the graphic elements in the image, and wherein generating the user interface screen comprises changing the corresponding user interface element on the screen responsive to changing the graphic quality, substantially without effect on the function to which the element is linked... changing the graphic quality comprises changing the location of the one of the graphic elements, and wherein

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

changing the corresponding user interface element comprises changing the position of the user interface element."

It is again emphasized that in the methods, apparatus and software products recited by claims 41, 68, 76 and 83, the locations of the different user interface elements on the screen can be defined and changed arbitrarily as desired, independently of the computer application. This feature is clearly explained on page 3, line 21, of the present patent application: "Preferred embodiments of the present invention provide a dynamic skin, which can be used by a designer of a GUI to lay out user interface elements on a computer screen freely, substantially without constraint as to their positions, shapes or sizes... The designer determines the positions, sizes and shapes of the elements of the GUI by means of the layout of the corresponding graphic elements on the screen. These elements are automatically mapped to the corresponding user interface functions. The mapping is maintained regardless of the operating system platform on which the application runs, and is unaffected by changes in the positions, sizes and shapes of the graphic elements."

The remaining claims each depend from one of the above-mentioned independent claims.

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 41, 42, 45, 46 49-53, 55-60, 64-69, 71, 73-77, 79 and 81-83 were rejected under 35 U.S.C. 103(a) over Glaser (U.S. Patent 6,392,671) in view of Winamp (Winamp "Skin Making Tutorial v0.01").

Claims 43, 48, 54, 61, 70 and 78 were rejected under 35 U.S.C. 103(a) over Glaser in view of Winamp, further in view of Craycroft et al. (U.S. Patent 6,731,310).

Claims 62, 63 and 80 were rejected under 35 U.S.C. 103(a) over Glaser in view of Winamp and Hochstedler (U.S. Patent 6,707,476).

Claim 72 was rejected under 35 U.S.C. 103(a) over Glaser in view of Winamp and Kanevsky et al. (U.S. Patent 6,300,947).

Claim 44 was rejected under 35 U.S.C. 103(a) over Glaser in view of Winamp and Buxton et al. (U.S. Patent 6,118,427).

Appellant believes all of these rejections should be reversed.

(7) Argument

I. The Section 103(a) Rejection of Independent Claims 41, 68 and 76 over Glaser in view of Winamp

Appellant respectfully submits that the Examiner erred in maintaining that it would have been obvious to a person of ordinary skill in the art to combine the teachings of Glaser and the information in the Winamp document so as to arrive at the inventive method, software product and apparatus recited by the rejected claims.

Independent claims 41, 68 and 76 each recite defining user interface elements, whose locations are defined independently of the computer application.

MPEP 2143.03 states:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applying this statement to the present case, the question to be answered is whether the cited art teaches or suggests defining the locations of user interface elements independently of the computer application. If not, then the Examiner has failed to make a *prima facie* case of obviousness.

Glaser describes a computer pointing device that includes a unique identifier, so that a graphical user interface (GUI) of the computer is automatically changed in accordance with the identifier (abstract). Features of the GUI that may be changed include the background image, color scheme, cursor shape, wall paper design, sound association, button shape and control bar color, content, design or lack thereof (col. 3, lines 19-22). As noted by the Examiner, however, Glaser fails to teach that the locations of the user interface elements may be defined independently of the computer application.

Winamp describes a music player application for computers running Windows 95/98/NT. The Winamp player supports custom user interfaces called skins. The Winamp skin making tutorial gives instructions for creating custom skins for the player, which specify the appearance of the player on the screen. The skins are based on a template called a "base skin." According to the Winamp document, "Winamp skins are alternative interfaces for Winamp" (page 14). To create the skin, the user installs the Base 2.01 Skin, which serves as a template for the skin that the user is to make (page 15, item #2 and paragraph 3). The user can change a cursor in the skin using a .cur file (paragraphs 3-4); can change the "look" of the Playlist Editor, Graphical Equalizer and individual controls by editing .bmp files (paragraph 5); and can change fonts, colors and transparency of certain regions using .txt files (paragraph 6, continuing through page 16).

Nowhere, however, does Winamp teach or even suggest that the skin designer can arbitrarily define any sort of mapping or do anything to define the locations of user interface elements independently of the Winamp audio player application. On the contrary, the user is tied to the Base skin, which serves as the template and thus rigidly defines the locations of the controls. These locations are tied to and determined by the underlying Winamp audio player application. The skin must line up geometrically with the underlying functional user interface elements of the template, which the user cannot change. Appellant pointed out this specific limitation of Winamp in the Background section of the present patent application (page 1, lines 21-25).

The only reasoning given by the Examiner in support of his contention that "Winamp teaches defining a mapping between user interface object and respective location in a user interface... independent of the computer application" is that the Winamp "skin is specific for an audio media application [and] therefore independent of the computer application." This very statement appears to be a contradiction in terms. The Examiner is correct in asserting that the Winamp skin is specific for the Winamp application. But how can a skin be simultaneously specific for and independent of the same application? Even if this apparent contradiction were resolved, however, there is still no teaching or suggestion in Winamp that the locations of the user interface

elements in the skin could possibly be determined by a mapping that is independent of the Winamp application.

In his "Response to Arguments" (page 16 of the Official Action), the Examiner stated, in response to Appellant's argument that Winamp does not teach a mapping that is independent of the computer application, that "Winamp teaches this limitation because it allows the users to carve out interface elements from the media interface (page 16, 'region.txt')." The "region.txt" file cited by the Examiner, however, does not relate at all to defining the location of user interface elements. The "region.txt" file merely allows the user to specify a sub-region of Winamp's windows to be displayed. This feature enables the user to carve out parts of the Winamp window for display, while the remaining parts are transparent. This feature does not enable, teach or even suggest defining the location of user interface elements, let alone defining them independently of the application.

Therefore, independent claims 41, 68 and 76 are believed to be patentable over Glaser in view of Winamp.

II. The Section 103(a) Rejection of Independent Claim 83 over Glaser in view of Winamp

Appellant respectfully submits that the Examiner erred in maintaining that it would have been obvious to a person of ordinary skill in the art to combine the teaching of Glaser and the information in the Winamp document so as to arrive at the inventive method recited by claim 83.

As noted above, independent claim 83 was added in an amendment dated April 21, 2006, in response to a statement of allowable subject matter given by the Examiner in the previous Official Action, dated January 30, 2006. In his statement ("Allowed Subject Matter," page 14 of the January 30, 2006, Official Action), the Examiner objected to claim 47 but stated that the claim would be allowed if rewritten in independent form. The Examiner explicitly stated that "the prior arts fail to disclose, individually or in combination, that: 'changing the position of the one of the features in the image, and wherein changing the corresponding user interface element comprises

changing the location of the user interface element in the user interface screen." The Examiner reiterated this statement of allowable subject matter in the present Official Action.

Appellant added independent claim 83 in response to this statement of allowable subject matter. As noted above, claim 83 includes the step of "changing the location of the user interface element in the user interface screen by changing the position of the one of the features in the image," which is neither taught nor suggested by the prior art. The Examiner's rejection of claim 83 therefore contradicts the Examiner's own definition of the allowable subject matter in claim 47.

In rejecting claim 83 in the present Official Action, the Examiner stated that the pages identified as pages 15-16 in Winamp teach a mapping that defines the locations of the user interface objects based on the positions of features in an image provided by the designer. Moreover, the Examiner stated that the cited pages teach the step of changing the location of a user interface element on the screen by changing the position of one of the features in the image. Appellant respectfully submits that the Examiner erred in making these statements. As explained above, the various user interface elements in Winamp have fixed locations, as defined by the base skin. The user element locations in Winamp cannot be changed in any way. Winamp does not teach, nor does it suggest, changing the location of a user interface element.

Therefore, independent claim 83 is patentable over the cited art.

III. The Section 103(a) Rejection of Dependent Claims 42, 69 and 77 over Glaser in view of Winamp

Appellant respectfully submits that even if the independent claims in this application were conceded to be obvious over Glaser in view of Winamp, the combined teachings of Glaser and Winamp still would not have led a person of ordinary skill in the art to arrive at the additional limitations recited by dependent claims 42, 45, 69, 71, 77 and 79.

Claim 42 depends from claim 41 and adds the limitations that defining the mapping includes:

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

(a) defining a relation that associates the user interface objects with corresponding features in an image provided by a designer of the GUI.

(b) receiving the image from the designer, wherein the image includes one or more of the features in respective positions.

(c) determining the locations of the user interface objects based on the positions of the corresponding features in the image.

In rejecting claim 42, the Examiner stated that Glaser teaches the limitations recited by the claim. Appellant respectfully disagrees. Glaser does not teach or even suggest determining locations of user interface objects based on positions of features in an image. On the contrary, the locations of all user interface objects in Glaser remain fixed.

Glaser describes an application in which a particular desktop theme is selected by connecting a mouse, which comprises identification means, to the computer. The Examiner stated that col. 5, lines 1-8, of Glaser teach the step of "determining the locations of the user interface objects based on the positions of the corresponding features in the image." The cited paragraph, however, merely states that the selection between the two desktop themes can be made by connecting a different peripheral, such as a mouse, rather than using menus. The cited paragraph is not even remotely connected to determining locations of user interface objects. On the contrary, as can be seen in the cited figures, the locations of the cited items ("My Computer" and "Network Neighborhood") are the same in both desktop themes. There is no suggestion in Glaser that the locations of the user interface objects are determined based on the positions of corresponding features in the image. If anything, the positions of the features of the image are determined by the fixed locations of the user interface objects.

Therefore, claim 42 is independently patentable over the cited art. Claims 69 and 77 contain limitations similar to those of claim 42 and are therefore independently patentable, as well, for the reasons explained above.

IV. The Section 103(a) Rejection of Dependent Claim 46 over Glaser in view of Winamp

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

Appellant respectfully submits that even if claims 41 and 42 in this application were conceded to be obvious over Glaser in view of Winamp, the combined teachings of Glaser and Winamp still would not have led a person of ordinary skill in the art to arrive at the additional limitations recited by dependent claim 46.

Claim 46 depends from claim 42 and adds the limitations that (1) receiving the image from the GUI designer includes changing a graphic quality of one of the features in the image, and that (2) generating the user interface screen includes changing the corresponding user interface element accordingly, without effect on the functional method to which the user interface element is linked. In rejecting claim 46, the examiner stated that col. 5, lines 50-60, of Glaser teaches this limitation.

The cited lines in Glaser, however, have nothing whatsoever to do with the limitations of claim 42. The cited paragraph refers to the manner in which the user's choice of a particular mouse causes the computer to choose a particular desktop motif or theme: "By tying a particular mouse with a particular theme, it is relatively simple to change desktop themes without having to understand the intricacies of the computer operating system" (col. 5, lines 54-57). Glaser's desktop themes, in other words, are changed in response to the choice of pointing device. Glaser neither teaches nor suggests changing a user interface element responsive to changing the graphic quality of a corresponding image feature, as recited in claim 42.

Thus, Appellant respectfully submits that claim 46 is independently patentable over the cited art.

V. The Section 103(a) Rejection of Dependent Claim 49 over Glaser in view of Winamp

Appellant respectfully submits that even if claims 41 and 42 in this application were conceded to be obvious over Glaser in view of Winamp, the combined teachings of Glaser and Winamp still would not have led a person of ordinary skill in the art to arrive at the additional limitations recited by dependent claim 49.

Claim 49 depends from claim 42 and adds the limitation that the image comprises a bitmap image, such that the respective locations of the user interface objects are determined responsive to the bitmap image. In rejecting claim 49, the Examiner

stated that the "My Computer" and "Network Neighborhood" items in Figs. 2A and 2B of Glaser teach this limitation, but did not give any specific grounds for the rejection.

The cited figures and elements, however, are not necessarily of a particular image format. There is no mention or hint in Glaser that may indicate a specific format that is used to represent the cited figures and elements. Thus, Glaser cannot possibly teach or suggest that locations of user interface objects might be determined responsive to a bitmap image, as recited in claim 49.

Thus, Appellant respectfully submits that claim 49 is independently patentable over the cited art.

VI. The Section 103(a) Rejection of Dependent Claim 57 over Glaser in view of Winamp

Appellant respectfully submits that even if the independent claims in this application were conceded to be obvious over Glaser in view of Winamp, the combined teachings of Glaser and Winamp still would not have led a person of ordinary skill in the art to arrive at the additional limitations recited by dependent claim 57.

Claim 57 depends from claim 41 and adds the limitation that one of the user interface objects is altered by inheritance. In rejecting claim 57, the Examiner states that Figs. 2A and 2B of Glaser teach this limitation. The Examiner, however, did not give any reasoning or explanation for this statement, except for stating "It is inherent that image for 'my computer' and 'network neighborhood' are designated icons." There is no teaching in this passage, or anywhere else in Glaser, of altering a user interface object by inheritance. "Inheritance" is a property of certain objects in an object-oriented program, but "my computer" and "network neighborhood," as these components are used in convention computer operating systems, are not objects of this sort. Glaser makes no mention of object-oriented paradigms, let alone objects that may be altered by inheritance, as recited in claim 57.

Thus, Appellant respectfully submits that claim 57 is independently patentable over the cited art.

VII. The Section 103(a) Rejection of Dependent Claim 65 over Glaser in view of Winamp

Appellant respectfully submits that even if the independent claims in this application were conceded to be obvious over Glaser in view of Winamp, the combined teachings of Glaser and Winamp still would not have led a person of ordinary skill in the art to arrive at the additional limitations recited by dependent claim 65-66.

Claim 65 depends from claim 41 and adds the limitation that the user interface screen is generated by generating a browser screen on a computer, which accesses the application remotely via a network. In rejecting claim 65, the Examiner states that col. 7, lines 43-60, of Glaser teach these limitations, without any further explanation.

The cited paragraph in Glaser, however, has nothing to do with generating a browser screen for remote access of an application via a network. Rather, this paragraph describes a process in which information related to the user of a particular mouse or other pointing device is retrieved via the Internet. The cited paragraph does not teach or suggest generating a browser window as recited in claim 65, or any other kind of window, but only refers to retrieving information from a remote storage location via the Internet.

Thus, Appellant respectfully submits that claim 65 is independently patentable over the cited art.

VIII. The Section 103(a) Rejection of Dependent Claim 66 over Glaser in view of Winamp

Appellant respectfully submits that even if claims 41 and 65 in this application were conceded to be obvious over Glaser in view of Winamp, the combined teachings of Glaser and Winamp still would not have led a person of ordinary skill in the art to arrive at the additional limitations recited by dependent claim 66.

Claim 66 depends from claim 65 and recites that the same user interface screen is generated both on a browser accessing an application remotely and on a local client of the application. In rejecting claim 66, the Examiner cited the same passage as he cited against claim 65, stating that "it is inherent that if same theme is chosen from two

different desktops, their appearances would be the same." Even if this statement were conceded to be true, it has nothing to do with generating the same user interface screen on a local computer and on a remote computer. As explained above in regard to claim 65, Glaser says nothing about how a browser screen might appear in remote application access, let alone that it should have the same appearance as a local client, as recited in claim 66.

Thus, Appellant respectfully submits that claim 66 is independently patentable over the cited art.

IX. The Section 103(a) Rejection of Claims 43, 70 and 78 over Glaser in view of Winamp and Craycroft et al.

Appellant respectfully submits that even if dependent claims 42, 69 and 77 in this application were conceded to be obvious over Glaser in view of Winamp, the combined teachings of Glaser, Winamp and Craycroft et al. still would not have led a person of ordinary skill in the art to arrive at the additional limitations recited by dependent claims 43, 70 and 78.

Claim 43 depends from claim 42 and adds the limitation that the relation between a feature in an image provided by the GUI designer and a user interface object associates features of a given color with a corresponding user interface object. In rejecting claim 43, the Examiner stated that col. 4, lines 35-45, of Craycroft teach this limitation.

The cited paragraph in Craycroft, however, uses color for an entirely different purpose. Generally speaking, Craycroft describes a method for alternating between different themes, which may differ from one another in the colors of a window or of other objects. The cited paragraph in Craycroft reads: "Windows can be characterized in a variety of ways. For example, a window can be characterized by the shape, size and color of the window as well as by the location, size, shape and color of each of its component parts, e.g., those parts identified in FIG. 2A. These attributes of a window and window parts are categorized herein as a window's appearance attributes." In other words, the color is simply a feature of the window's appearance, which is not associated

with any particular user interface object. There is no teaching or suggestion whatsoever in Craycroft as to the use of color of an image feature for determining the locations of user interface elements, as recited in claim 43.

The Examiner stated that "it would have been obvious to an artisan at the time of the invention to include Craycroft's teaching with method of Glaser and Winamp in order to allow windows' button to be more identifiable by users." Even if this statement were conceded to be true, however, it has nothing to do with the use of color that is recited in claim 43, as a means for marking certain features in an image provided by the designer, in order to determine locations of an associated user interface object.

Therefore, Appellant respectfully submits that claim 43 is independently patentable over the cited art. Claims 70 and 78 respectively depend from claims 69 and 77 and add limitations similar to those of claim 43. Therefore, claims 70 and 78 are also independently patentable for the reasons explained above.

X. The Section 103(a) Rejection of Claim 48 over Glaser in view of Winamp and Craycroft et al.

Appellant respectfully submits that even if dependent claim 46 in this application were conceded to be obvious over Glaser in view of Winamp, the combined teachings of Glaser, Winamp and Craycroft et al. still would not have led a person of ordinary skill in the art to arrive at the additional limitations recited by dependent claim 48.

Claim 48 depends from claim 46 and adds the limitation that changing the graphic quality of one of the features in the image provided by the GUI designer is performed by changing a size characteristic of the feature, and that changing the corresponding user interface element includes changing the size characteristic of the user interface element in the user interface screen. In other words, claim 48 recites that when the GUI designer changes the size of an image feature, the size of the corresponding user interface element changes accordingly.

In rejecting claim 48, the Examiner stated that col. 5, lines 1-11, and Fig. 2C, item "List Views," of Craycroft teach this limitation. Although the cited paragraph and

figure show selection of image size, however, they do not teach or suggest that changing the size of a feature in an image could possibly cause a corresponding change of a user interface element to which the feature is linked, as recited in claim 48. The cited paragraph and figure merely describe the possibility of having desktop themes that differ from one another in the size of a certain window or GUI element.

Therefore, Appellant respectfully submits that claim 48 is independently patentable over the cited art.

XI. The Section 103(a) Rejection of Claim 54 over Glaser in view of Winamp and Craycroft et al.

Appellant respectfully submits that even if dependent claims 43 and 53 in this application were conceded to be obvious over Glaser in view of Winamp and Craycroft, the combined teachings of these references still would not have led a person of ordinary skill in the art to arrive at the additional limitations recited by dependent claim 54.

Claim 54 depends from claim 53, which states that a feature in the image provided by the GUI designer is identified with a user control for selecting a parameter value from a range. Claim 54 adds the limitation that the features in the image has a range of colors corresponding to the range of values of the parameter. The sole reason for rejection cited by the Examiner against claim 54 was that this claim has “the same scope as claim 43.” This statement is simply incorrect. Claim 43 says nothing about ranges of colors or ranges of values. Thus, even if claim 43 were to be rejected, claim 54 cannot be rejected on the same grounds.

Therefore, Appellant respectfully submits that claim 54 is independently patentable over the cited art.

XII. The Section 103(a) Rejection of Claim 61 over Glaser in view of Winamp and Craycroft et al.

Appellant respectfully submits that even if claims 41 and 48 in this application were conceded to be obvious over Glaser in view of Winamp and Craycroft, the

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

combined teachings of these references still would not have led a person of ordinary skill in the art to arrive at the additional limitations recited by dependent claim 61.

Claim 61 depends from claim 60, and states (in combination with the claim from which it depends) that the user interface screen that is generated by the mapping recited in claim 41 provides zoom-in and zoom-out views. The sole reason for rejection cited by the Examiner against claim 61 was that this claim has “the same scope as claim 48.” This statement is incorrect. Claim 48 relates to changing the size of a user interface element in response to changing the size of a corresponding feature in an image provided by a GUI designer. It has nothing to do with zoom-in and zoom-out views. Thus, even if claim 48 were to be rejected, claim 61 cannot be rejected on the same grounds.

Therefore, Appellant respectfully submits that claim 61 is independently patentable over the cited art.

XIII. The Section 103(a) Rejection of Claim 62 over Glaser in view of Winamp and Hochstedler

Appellant respectfully submits that even if claims 59 and 60 in this application were conceded to be obvious over Glaser in view of Winamp, the combined teachings of these references still would not have led a person of ordinary skill in the art to arrive at the additional limitations recited by dependent claim 62.

Claim 62 depends from claim 60, and states that the application includes a multimedia player application having multiple channels, and that the different views of the user interface screen are associated with different channels of the multimedia player. Hochstedler, on the other hand, is concerned with user interfaces of medical information monitoring systems, and has nothing whatsoever to do with multimedia players. As such, Hochstedler clearly does not teach or even remotely suggest a multimedia application, as recited in claim 62. Obviously, Hochstedler cannot possibly teach or suggest an association between different views of a user interface screen and different channels of a multimedia player.

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

Therefore, Appellant respectfully submits that claim 62 is independently patentable over the cited art.

XIV. The Section 103(a) Rejection of Claims 63 and 80 over Glaser in view of Winamp and Hochstedler

In response to previous Official Actions in this case, Appellant has argued that Hochstedler is ineffective as prior art against claims 63 and 80 because the present patent application claims priority from Israel Patent Application 132,929, filed prior to the filing date of Hochstedler. In the Official Action, the Examiner refused to recognize Appellant's priority claim because Appellant had not provided a translation of the priority application. In view of the finality of the rejection of the claims and the patentability of the independent claims over the cited art, Appellant has not submitted the translation required by the Examiner. Nevertheless, Appellant stands by the position that claims 63 and 80 are independently patentable over Hochstedler on account of the valid priority claim of the present patent application.

Furthermore, notwithstanding the priority claim and the patentability of the independent claims in this application, Appellant respectfully submits that the combined teachings of Glaser, Winamp and Hochstedler would not have led a person of ordinary skill in the art to arrive at the additional limitations recited by dependent claims 63 and 80. Claim 63 depends from claim 59, and recites that the application presents content to the user, and that altering the appearance includes altering the appearance of one or more user interface elements responsively to a characteristic of the content. Claim 80 depends from claim 77, and recites a pointing device, which is operable for changing a graphic quality of a feature in the image supplied by the designer. The processor changes the user interface element corresponding to the feature on the screen responsively to changing the graphic quality, without effect on the method to which the corresponding user interface object is linked.

Hochstedler describes a system in which the layout of a GUI in a medical monitoring system may change in response to changes in the system's capabilities or environment (col. 1, lines 53-60). The GUI includes windows that show content such as

waveforms and messages (col. 3, lines 36-40). The passage cited by the Examiner against claims 63 and 80 (col. 7, lines 5-48) relates to the specific algorithm that is used to determine what GUI layout to use for a given set of capabilities and environment. Hochstedler makes no suggestion, however, that the GUI might be changed in response to the content presented by the GUI, as required by claim 63. He does not even hint that a designer might change a graphic quality of a feature in an image, let alone that a corresponding user interface element might change in response to changing the graphic quality, as required by claim 80.

Therefore, Appellant respectfully submits that claims 63 and 80 are independently patentable over the cited art.

XV. The Section 103(a) Rejection of Claim 72 over Glaser in view of Winamp and Kanevsky et al

Appellant respectfully submits that even if dependent claim 69 in this application were conceded to be obvious over Glaser in view of Winamp, the combined teachings of Glaser, Winamp and Kanevsky et al. still would not have led a person of ordinary skill in the art to arrive at the additional limitation recited by dependent claim 72.

Claim 72 depends from claim 69 and adds the limitation that a change in a user interface element on the screen is performed in response to a change in the graphic quality of one of the features in the image provided by the GUI designer, without effect on the method in the computer application to which the corresponding user interface object is linked.

In rejecting claim 72, the Examiner stated that col. 1, line 55 - col. 4, line 8, of Kanevsky teach this limitation. The cited text, however, addresses a different subject altogether: Kanevsky describes a method for adapting viewable information of a web-site to a particular display screen. There is no teaching or suggestion in the cited paragraph (or elsewhere in Kanevsky) of any user-initiated change in a graphic quality of an image feature and making a corresponding change in a user interface element, as recited in claim 72.

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

Therefore, Appellant respectfully submits that claim 72 is independently patentable over the cited art.

XVI. The Section 103(a) Rejection of Claim 44 over Glaser in view of Winamp and Buxton et al.

Appellant respectfully submits that even if dependent claim 43 in this application were conceded to be obvious over Glaser in view of Winamp, the combined teachings of Glaser, Winamp and Buxton et al. still would not have led a person of ordinary skill in the art to arrive at the additional limitation recited by dependent claim 44.

Claim 44 depends from claim 43 and adds the limitation that features of a certain color in an image supplied by the GUI designer are identified as indicating a background region of the user interface screen, which is displayed as a transparent region in the user interface screen. In rejecting claim 44, the Examiner cited col. 3, line 35 - col. 4, line 56 in Buxton. This passage, however, refers to a completely different type of transparency. Buxton uses variable transparency to merge objects onto a graphical display. Transparency is described as a way of displaying multiple overlapping objects, and not as a characteristic of a background region, as recited in claim 44.

Therefore, Appellant respectfully submits that claim 44 is independently patentable over the cited art.

Summary

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 41-83 was erroneous. Reversal of his decision is respectfully requested.

Respectfully submitted,
WELSH & KATZ, LTD.

Gerald T. Shekleton

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

Attorney for Applicant
Registration No. 27,466

Gerald T. Shekleton
Welsh & Katz, Ltd.
120 S. Riverside Plaza
22nd Floor
Chicago, IL 60606

PH: 312-655-1500
FX: 312-655-1501

APPENDIX A

Claims pending as of the present date:

41. A method for creating a graphic user interface (GUI) for a computer application, comprising:

defining user interface objects and user interface elements corresponding to the user interface objects in a GUI layer that is separate from the computer application;

arbitrarily defining a mapping between the user interface objects and respective locations in a user interface screen, wherein the mapping defines the locations independently of the computer application;

generating the user interface screen comprising the user interface elements in the respective locations determined by the mapping; and

linking the user interface objects in the GUI layer to methods in the computer application, so that interaction of a user with the user interface elements in the user interface screen invokes the methods linked to the objects.

42. A method according to claim 41, wherein arbitrarily defining the mapping comprises:

defining a relation that associates the user interface objects with corresponding features in an image provided by a designer of the GUI;

receiving the image from the designer, wherein the image comprises one or more of the features in respective positions; and

determining the respective locations of the user interface objects based on the respective positions of the corresponding features in the image.

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

43. A method according to claim 42, wherein defining the relation comprises associating the features of a given color with a corresponding one of the user interface objects.

44. A method according to claim 43, wherein associating the features of the given color comprises identifying a certain color with a background region of the user interface screen, and wherein generating the user interface screen comprises displaying the background region as a transparent region.

45. A method according to claim 42, wherein defining the relation comprises associating the features of a given shape with a corresponding one of the user interface objects.

46. A method according to claim 42, wherein receiving the image comprises changing a graphic quality of one of the features in the image, and wherein generating the user interface screen comprises changing the corresponding user interface element on the user interface screen responsive to changing the graphic quality, without effect on the method to which the corresponding user interface object is linked.

47. A method according to claim 46, wherein changing the graphic quality comprises changing the position of the one of the features in the image, and wherein changing the corresponding user interface element comprises changing the location of the user interface element in the user interface screen.

48. A method according to claim 46, wherein changing the graphic quality comprises changing a size characteristic of the one of the features in the image, and

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

wherein changing the corresponding user interface element comprises changing a corresponding size characteristic of the user interface element in the user interface screen.

49. A method according to claim 42, wherein receiving the image comprises receiving a bitmap image, such that the respective locations of the user interface objects are determined responsive to the bitmap image.

50. A method according to claim 42, wherein generating the user interface screen comprises building the user interface screen based on the features of the image received from the designer, without resort to a textual description of the user interface elements.

51. A method according to claim 42, wherein defining the relation comprises identifying at least one of the features in the image with a user interface push button.

52. A method according to claim 42, wherein defining the relation comprises identifying at least one of the features in the image with an area for display of text or graphics associated with the application.

53. A method according to claim 42, wherein defining the relation comprises identifying at least one of the features in the image with a user control for selecting a value of a parameter from a range of values.

54. A method according to claim 53, wherein the at least one of the features in the image comprises a range of colors corresponding to the range of values of the parameter.

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

55. A method according to claim 53, wherein the at least one of the features in the image defines a range of positions of a slider corresponding to the range of values of the parameter.

56. A method according to claim 55, wherein the at least one of the features in the image comprises an elongate feature that deviates from a straight, linear shape.

57. A method according to claim 41, wherein defining the user interface objects comprises altering one of the user interface objects by inheritance thereof.

58. A method according to claim 41, wherein generating the user interface screen comprises providing a skin including graphic representations of the user interface elements at the locations to which the corresponding user interface objects are mapped.

59. A method according to claim 41, wherein generating the user interface screen comprises altering an appearance of one or more of the user interface elements while the application is running.

60. A method according to claim 59, wherein altering the appearance comprises providing multiple different views of the user interface screen.

61. A method according to claim 60, wherein providing the multiple different views comprises providing zoom-in and zoom-out views.

62. A method according to claim 60, wherein the application comprises a multimedia player application having multiple channels, and wherein providing the multiple different views comprises associating the different views with different channels of the multimedia player.

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

63. A method according to claim 59, wherein the application presents content to the user, and wherein altering the appearance comprises altering the appearance of the one or more user interface elements responsive to a characteristic of the content.

64. A method according to claim 41, wherein arbitrarily defining the mapping comprises mapping the user interface objects in a manner that is independent of an operating platform on which the application runs.

65. A method according to claim 41, wherein generating the user interface screen comprises generating a browser screen on a computer accessing the application remotely via a network.

66. A method according to claim 65, wherein generating the user interface screen comprises generating the same user interface screen on the browser and on a local client of the application.

67. A method according to claim 41, wherein arbitrarily defining the mapping comprises defining a relation that is preserved across multiple, different applications.

68. A computer software product for creating a graphic user interface (GUI) for a computer application, the product comprising a computer-readable medium in which program instructions are stored, which instructions, when read by a computer, cause the computer to receive a definition of user interface objects and user interface elements corresponding to the user interface objects in a GUI layer that is separate from the computer application, and to receive an arbitrary definition of a mapping between the user interface objects and respective locations in a user interface screen, wherein the

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

mapping defines the locations independently of the computer application, the instructions further causing the computer to generate the user interface screen comprising the user interface elements in the respective locations determined by the mapping, and to link the user interface objects in the GUI layer to methods in the computer application, so that interaction of a user with the user interface elements in the user interface screen invokes the methods linked to the objects.

69. A product according to claim 68, wherein the mapping is defined in terms of a relation that associates the user interface objects with corresponding features in an image provided by a designer of the GUI, and wherein the instructions cause the computer to receive the image from the designer, wherein the image comprises one or more of the features in respective positions, and to determine the respective locations of the user interface objects based on the respective positions of the corresponding features in the image.

70. A product according to claim 69, wherein the instructions cause the computer to associate the features of a given color with a corresponding one of the user interface objects.

71. A product according to claim 69, wherein the instructions cause the computer to associate the features of a given shape with a corresponding one of the user interface objects.

72. A product according to claim 69, wherein the instructions cause the computer, responsive to a change made by a user in a graphic quality of one of the features in the image, to change the corresponding user interface element on the screen responsive to

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

changing the graphic quality, without effect on the method to which the corresponding user interface object is linked.

73. A product according to claim 68, wherein the instructions cause the computer to generate the user interface screen without dependence on an operating platform on which the application runs.

74. A product according to claim 68, wherein the mapping between the user interface objects and the respective locations in the user interface screen is preserved across multiple, different applications.

75. A product according to claim 68, wherein the instructions enable the computer to alter an appearance of one or more of the user interface elements while the application is running.

76. Apparatus for creating a graphic user interface (GUI) for a computer application, comprising:

a GUI processor, which is adapted to receive a definition of user interface objects and user interface elements corresponding to the user interface objects in a GUI layer that is separate from the computer application, and to receive an arbitrary definition of a mapping between the user interface objects and respective locations in a user interface screen, wherein the mapping defines the locations independently of the computer application,

wherein the GUI processor is further adapted to generate the user interface screen comprising the user interface elements in the respective locations determined by the mapping, and to link the user interface objects in the GUI layer to methods in the

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

computer application, so that interaction of a user with the user interface elements in the user interface screen invokes the methods linked to the objects; and

a display, which is driven by the processor to display the user interface screen.

77. Apparatus according to claim 76, wherein the mapping is defined in terms of a relation that associates the user interface objects with corresponding features in an image provided by a designer of the GUI, and wherein the processor is adapted to receive the image from the designer, wherein the image comprises one or more of the features in respective positions, and to determine the respective locations of the user interface objects based on the respective positions of the corresponding features in the image.

78. Apparatus according to claim 77, wherein the processor is adapted to associate the features of a given color with a corresponding one of the user interface objects.

79. Apparatus according to claim 77, wherein the processor is adapted to associate the features of a given shape with a corresponding one of the user interface objects.

80. Apparatus according to claim 77, and comprising a pointing device, which is operable by the designer to change a graphic quality of one of the features in the image, wherein the processor is adapted to change the corresponding user interface element on the screen responsive to changing the graphic quality, without effect on the method to which the corresponding user interface object is linked.

81. Apparatus according to claim 76, wherein the mapping between the user interface objects and the respective locations in the user interface screen is preserved

**Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075**

across multiple, different applications, without dependence on an operating system run by the processor.

82. Apparatus according to claim 76, wherein the processor is adapted to alter an appearance of one or more of the user interface elements while the application is running.

83. A method for creating a graphic user interface (GUI) for a computer application, comprising:

- defining user interface objects and user interface elements corresponding to the user interface objects in a GUI layer;

- defining a mapping between the user interface objects and respective locations in a user interface screen by associating the user interface objects with corresponding features in an image provided by a designer of the GUI, wherein the mapping defines the locations of the user interface objects based on respective positions of the corresponding features in the image;

- generating the user interface screen comprising the user interface elements in the respective locations determined by the mapping;

- linking the user interface objects in the GUI layer to methods in the computer application, so that interaction of a user with the user interface elements in the user interface screen invokes the methods linked to the objects; and

- changing the location of the user interface element in the user interface screen by changing the position of the one of the features in the image.

Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075

APPENDIX B – EVIDENCE

None.

Appeal Brief in re: Zeevi et al.,
U.S. Pat. App. Ser. No. 09/720,075

APPENDIX C – RELATED PROCEEDINGS

None.

Certificate of Mailing under 37 CFR 1.8

MAY 07 2007

Applicant(s)

Zeevi et al.

Docket no. 81337

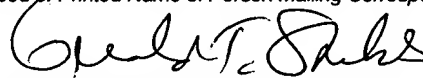
Application No.	Filing Date:	Examiner:	Customer No.	Group Art Unit:
09/720,075	March 22, 2002	Peng Ke	24628	2174

Invention: Dynamic User Interface

I hereby certify that this Response To Notification of Non-Compliant Appeal Brief is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on May 2, 2007.

(Date)

Gerald T. Shekleton, Registration No. 27,466
 (Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Response to Notification of Non-Compliant Appeal Brief (37 CFR 41.37) and postcard

The Commissioner is hereby authorized to charge any fees which may be required, including, if necessary, the filing fee if the above-referenced check is in the wrong amount, unsigned, postdated, or otherwise improper or informal or missing, or credit any overpayment to Deposit Account No. 23-0920.